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STATE OF ALABAMA

90-00395

SEP 24 1990

Honorable Sid Holcomb
President
DeKalb County Commission
Room 304 - Courthouse
Fort Payne, AL 35967

Counties - Pardons and Paroles
- State Board Pardons and
Paroles

The DeKalb County Commission is not responsible for furnishing janitorial services, telephone services or assisting with other expenses for the local office of the State Board of Pardons and Paroles.

Dear Mr. Holcomb:

This opinion is issued in response to your request for an opinion from the Attorney General.

QUESTION

Is the DeKalb County Commission responsible for furnishing janitorial services, telephone services, payment of utility expenses and payment of other expenses for the local office of the State Board of Pardons and Paroles?

FACTS AND ANALYSIS

It is stated in your request that in the past the DeKalb County Commission has provided janitorial service and payment

of the telephone bills for the local office of the State Board of Pardons and Paroles. However, because of declining revenues and increasing operational costs, the County Commission is considering eliminating or decreasing funding to several agencies which are not actually a part of county government, such as the local office of the State Board of Pardons and Paroles.

Code of Alabama 1975, § 11-3-11(12) requires of a county commission:

"To procure and provide telephones for the offices of the circuit judge, the clerk and register of the circuit court, the sheriff and jailer, the tax assessor and tax collector and the judge of probate in the county, and to pay for the same out of the general funds of the county, and said county commission may, in like manner and for the same officers, establish telephones in both courthouses where the said officers maintain two offices in the county and must install such telephone upon the request of the officer entitled thereto."

It is noted that the local office of the State Board of Pardons and Paroles is not listed in § 11-3-11(12).

The State Board of Pardons and Paroles is a state agency established under Code of Alabama 1975, §§ 15-22-20, et seq. Its employees are state employees subject to the state merit system. § 15-22-21. Persons having incomes, who are placed on parole or who are granted probation, are required to make contributions toward the costs of their supervision and rehabilitation as provided in § 15-22-2. As further provided in § 15-22-2, these funds go into the state treasury. Counties do not get any of the funds. Therefore, counties cannot be required to contribute to the upkeep of local offices of the Board of Pardons and Paroles on the basis of receiving some funding from the board.

My research does not reveal any other statutory provisions that require a county commission to assist with the expenses of local offices of the State Board of Pardons and Paroles.

Honorable Sid Holcomb
Page 3

CONCLUSION

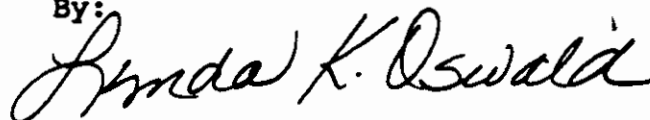
The DeKalb County Commission is not responsible for furnishing janitorial services, telephone services or assisting with other expenses for the local office of the State Board of Pardons and Paroles.

I hope this sufficiently answers your question. If our office can be of further assistance, please do not hesitate to contact us.

Sincerely,

DON SIEGELMAN
Attorney General

By:

A handwritten signature in cursive script, reading "Lynda K. Oswald".

LYNDA K. OSWALD
Assistant Attorney General

DS/LKO/jho

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